

6/21/04
WYATT
WYATT, TARRANT & COMBS, LLP

1715 Aaron Brenner Drive, Suite 800
Memphis, Tennessee 38120-4367
901.537.1000
Fax: 901.537.1010

Mail: P.O. Box 775000
Memphis, Tennessee 38177-5000

Supp/Hmt
6/28/04

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

INVENTOR: John W. Dailey

ATTY DOC#: A310429.2US

SERIAL No.: 10/763,789

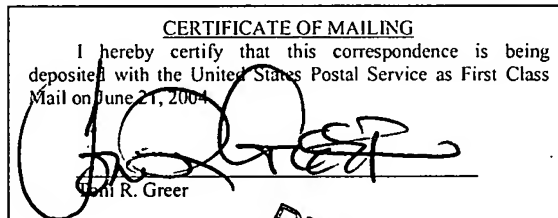
ART UNIT: 3641

CONFIRMATION No.: N/A

EXAMINER: Not yet assigned.

FILING DATE: 1/23/2004

TITLE: "Stacked Pellet Flare Assembly and
Methods of Making and Using the
Same"



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Licensing and Review

RECEIVED
JUN 28 2004
LICENSING & REVIEW

DECLARATION UNDER 37 CFR 1.68

Dear Commissioner:

This following Declaration of John W. Dailey is being filed in reply to correspondence mailed by the Licensing and Review Department of the U.S. Patent and Trademark Office on 6/1/2004. Although no fee is believed to be due for entry of this Declaration, please charge any deficiency or credit any overpayment associated with this Declaration to Deposit Account #502346.

www.wyattfirm.com

250 West Main Street, Suite 1600
Lexington, KY 40507-1746
859.233.2012

918 State Street
Bowling Green, KY 42101
270.842.1050

1715 Aaron Brenner Drive, Suite 800
Memphis, TN 38120-4367
901.537.1000

488264.1 500 West Jefferson Street, Suite 2800
Louisville, KY 40202-2898
502.589.5235

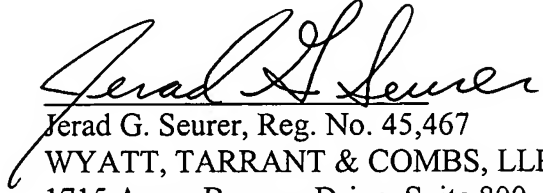
311 West Main Street
Frankfort, KY 40601-1807
502.223.2104

2525 West End Avenue, Suite 1500
Nashville, TN 37203-1423
615.244.0020

101 West Spring Street, Suite 500
New Albany, IN 47150-3610
812.945.3561

Should the Office have any questions or concerns regarding the following Declaration, the Office is invited to contact the undersigned at its convenience.

Respectfully submitted,


Jerad G. Seurer, Reg. No. 45,467
WYATT, TARRANT & COMBS, LLP
1715 Aaron Brenner Drive, Suite 800
Memphis, TN 38120-4367
(901) 537-1059

Date: June 21, 2004

DECLARATION UNDER 37 CFR 1.68

I, John W. Dailey, a citizen of the United States and resident of Jackson, Tennessee declare as follows:

That I made and conceived the invention described and claimed in patent application Serial Number 10/763,789 filed in the United States of Patent and Trademark Office on January 23, 2004 entitled "Stacked Pellet Flare Assembly and Methods of Making and Using the Same."

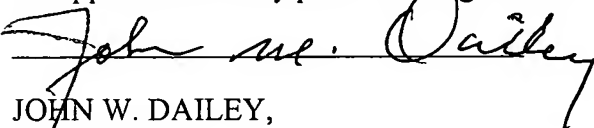
That I made and conceived this invention while employed by Kilgore Flares Company, LLC. That the invention is related to the work I am employed to perform and was made within the scope of my employment duties. That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of Kilgore Flares Company, LLC.

That to the best of my knowledge and belief:

The invention was not made or conceived in the course of, or in connection with, under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors, Energy Research and Development Administration, or the Department of Energy.

The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


JOHN W. DAILEY,
Inventor
P.O. Box 4816
Huachuca City, Arizona 85616

Date: 6/14/04

RECEIVED
JUN 28 2004
LICENSING & REVIEW

OK w/ previously submit Had start

FLAT RATE ENVELOPE
 FLAT RATE POSTAGE
 REGARDLESS OF WEIGHT
 DOMESTIC USE ONLY

EXTREMELY URGENT Please Rush To Addressee

CALL 1-800-222-1811 FOR PICKUP OR TRACKING OF ALL YOUR PACKAGES



**EXPRESS
MAIL**

UNITED STATES POSTAL SERVICE®

www.usps.com

EXPRESS MAIL
 POSTAGE REQUIRED
 DOMESTIC USE ONLY



ER458926213US

ORIGIN (POSTAL USE ONLY)	
PO ZIP Code 38199	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second
Date M/D/Y 6/2/04	Postage \$ 1.705
Mo. Day Year 6 2 2004	Return Receipt Fee
Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day
Weight lbs. 2.3	Int'l Alpha Country Code
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials
Total Postage & Fees \$ 1.705	

FROM: (PLEASE PRINT) PHONE ()

Jerad Sevier
 Wyatt, Maryland + Combs, LP
 1715 Aaron Brenner Drive #800
 Memphis, TN 38120-4367
 (Re: 310429.2)

FOR PICKUP OR TRACKING CALL 1-800-222-1811

www.usps.com

EMS

PRESS HARD - You are making 3 copies.



DELIVERY (POSTAL USE ONLY)	
Delivery Attempt	Time
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM
Delivery Attempt	Time
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM
Delivery Date	Time
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT
 Express Mail Corporate Acct. No. 381330

Federal Agency Acct. No. or
 Postal Service Acct. No.

☐ NO DELIVERY
☐ Weekend ☐ Holiday

Customer Signature

TO: (PLEASE PRINT) PHONE ()

Mr. SLP
 Licensing and Review
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA

ZIP + 4
 22313 + 1450

Mailing Label
 Label 7-8 September 2002

Post Office To Addressee

USPTO MAIL CENTER

JUN 21 2004
 EXPRESS MAIL LABEL DATE IN

ow many
 I box.

only

Best Available Copy